IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 6807 (SS) of 2001
(Old No. 41375 of 1992)

Sheo Pujan Pandey,
son of Sri Ram Taras Pandey,
presently posted as Conductor,
U.P. State Road Transport Corporation,
Kotdwar Depot, Dehradun Region,
District – Pauri Garhwal. **……. Petitioner.**

Versus

1. U.P. State Road Transport Corporation, Head Office, Tedhi Kothi, Lucknow through its Managing Director.
2. Deputy General Manager, U.P. State Road Transport Corporation, Western Zone, Meerut.
3. Regional Manager, U.P. State Road Transport Corporation, Dehradun Region, Dehradun.
4. Assistant Regional Manager, U.P. State Road Transport Corporation, Kotdwar Depot, District – Pauri Garhwal.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri B.D. Upadhyay learned counsel for the petitioner and Sri Deepak Sharma, holding brief of Sri Ramji Srivastava, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Certiorari calling for the record of the case and quashing the impugned order dated 04.06.1991 and 10.10.1991 passed by Regional Manager UPSRTC, Dehradun (Respondent no. 3) and Deputy General Manager, UPSRTC, Western Zone,*

Meerut (Annexure No. 16 and 18 of the writ petition respectively)

b. *Issue a writ order or direction in the nature of Mandamus directing the respondents to pay the petitioner his entire arrears of salary with effect from September 1986 till date, calculating after granting all annual increments with all perks privileges and allowances etc. with 20% compound interest on the aforesaid due amount.*

c. *Issue a writ order or direction in the nature of Mandamus directing the respondents to pay the petitioner's future salary after granting him all the annual increment with effect from September, 1986 with all perks privileges and allowances etc.*

d. *Issue a writ order or direction in the nature of Mandamus directing the respondents to promote the petitioner to the higher rank with effect from the date the person junior to the petitioner has been promoted to the higher rank.*

e. *Issue any other writ, order or direction with this Hon'ble Court may deem fit and proper in the circumstances of the case.*

f. *award costs of the writ petition to the petitioner.*

The stand of the petitioner is that he was appointed as Conductor with the respondent department in the year 1977. On 05.09.1986 he was placed under suspension for certain charges. Later on, suspension order was revoked and inquiry was conducted against the petitioner for the charges. Initially, Depot Manager issued charesheet on 08.09.1986 but later on chargesheet was recalled in view of the fact that Depot Manager was not competent authority to serve the chargesheet

upon the petitioner. Thereafter, chargesheet was furnished by the Regional Manager upon petitioner on 15.07.1987 and Assistant Regional Manager, Haridwar was appointed as Inquiry Officer. Assistant Regional Manager conducted the inquiry, after holding inquiry, exonerated the petitioner from the charges leveled against him except holding guilty only to the extent that while checking was done by the authorities concerned, petitioner has not tried to stop the passengers, who were making hue and cry against the checking.

The Disciplinary Committee though was agree with the findings recorded by the Inquiry Officer has passed punishment order reverting the petitioner on minimum pay scale of the Grade on which he was working for four years.

Aggrieved with the punishment order, petitioner preferred appeal before Deputy General Manger, who also rejected the appeal of the petitioner vide order dated 10.10.1991. Thereafter, petitioner made representation before Managing Director, UPSRTC on 18.01.1992 against the order passed by Deputy General Manager and the said representation is still pending with the Managing Director, UPSRTC.

Learned counsel for the respondents has submitted that petitioner has alternative remedy to file claim petition before Tribunal and further, petitioner has already moved representation for redressal of his grievance before Managing Director, UPSRTC.

So far as question of alternative remedy is concerned by way of filing claim petition before Tribunal is concerned, writ petition was filed in the year 1992 and the same was admitted by this court. After lapse of 15 years, it would not be justified to

direct the petitioner to avail the alternative remedy by way of filing claim petition before Tribunal. So far as question of filing representation by the petitioner before Managing Director, UPSRTC is concerned, counsel for the petitioner has requested the court to direct the Managing Director, UPSRTC to take decision on the representation of the petitioner, which was filed before Managing Director, UPSRTC on 18.01.1992 (annexed as Annexure no. 19 to the writ petition) within a particular period.

Consequently, I direct the respondent no. 1 i.e. Managing Director, UPSRTC to take decision on the representation of the petitioner dated 18.01.1992 (annexed as Annexure no. 19 to the writ petition) within a period of two months from the date of production of certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 10, 2007
SKSHARMA